IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 16650 of 1994

Between:

K. Rama Swamy S/o. Ankaiah
C.S.R Sarma College Ongole, Prakasam Dist.

..... PETITIONER

AND

1 The Commissioner of College Education Nampally, Hyderabad.
2 The Secretary and Correspondent C.S.R. Sarma College, Ongole, Prakasam Dist.
3 Dr. J. S.P. Sarma C.S.R. Sarma College, Ongole, Prakasam Dist.
4 Dr. V.L.K. Rao C.S.R. Sarma College, Ongole, Prakasam Dist.
5 M. Venkateswara Rao C.S.R. Sarma College, Ongole, Prakasam Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of CERTIORARI a) to Quash proceedings of the 1st respondent dated 8-9-1994 in Rc.No.4091/PC 1-4/94-2 B) to declare that the post of the petitioner as Lecturer in the Botony department is not a surplus post the petitioner is the Senior than the respondents 3 to 5 in the Botony department.

Counsel for the Petitioner:MR.T.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following :

ORDER:

This writ petition is filed seeking a Writ of Certiorari to quash the proceedings of the 1st respondent, dated 08.09.1994, in Rc.No.4091/PC 1-4/94-2 and to declare that the post of lecturer in the department of Botony held by the petitioner is not a surplus post and to further declare the petitioner as senior to respondents 3 to 5 in the department of Botony.

It is the case of the petitioner that he was appointed as a lecturer in the department of Botony during the year 1978 and joined service in C.S.R.Sarma College, Ongole, on 02.11.1978. Since then, he has been working without any break. By the time of his joining, respondents 3 to 5 were working as demonstrators in the department of Botony, whereas he was appointed directly as lecturer vide G.O.Ms.No.905, dated 21.09.1976. Subsequently, 3rd, 4th and 5th respondents were promoted as lecturers on 13.02.1981 25.02.1981, and 17.08.1981, respectively. Therefore, according to the petitioner, respondents 3 to 5 are juniors to him, since they were promoted as lecturers after his appointment on regular basis. While so, the Director of Higher Education vide his proceedings, dated 30.07.1989, identified four posts as surplus posts in the department of Botony. Respondents 3 to 5 and the petitioner herein were identified as surplus staff. Immediately thereafter since one member of the Botony department retired from service, the authorities have identified only three posts as surplus and that the name of the petitioner was deleted from the earlier list

of surplus staff. The respondents 3 to 5, however, filed writ petitions before this Court and obtained interim orders, and are continuing as such. While the matter stood thus, suddenly the

1st respondent issued proceedings, dated 08.09.1994, declaring that the petitioner is the junior most lecturer in the department of Botony and also identified him as surplus lecturer. According to the petitioner, if his seniority is taken into consideration, since only three posts are identified as surplus posts, declaring him as surplus lecturer does not arise.

There is also an interim order in this writ petition in favour of the petitioner directing the respondents to continue him in the existing post during the pendency of the writ petition, as such the petitioner is continuing as a Lecturer in Botony.

Now, it is brought to the notice of this Court that during the pendency of the writ petition, the 3rd respondent passed away and some more vacancies have arisen in the department of Botony, in the very same college. Therefore, there is no necessity to adjudicate as to whether the petitioner is identified as surplus lecturer or not.

However, learned counsel for the petitioner states that the seniority among the petitioner and respondents 3 to 5 in the cadre of lecturer in the Botony department needs to be considered by the concerned authority for the purpose of working out their rights in future. Learned counsel for the respondents has not seriously objected for the said submission made by the learned counsel for the petitioner.

In view of the above submissions, without expressing any opinion on the merits of the case, the respondents are directed to decide the seniority of the petitioner, *vis-à-vis*, respondents

3 to 5 in the cadre of lecturer in Botony department in the

2nd respondent College as per law and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order, and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. No order as to costs.

08.04.2005

TS

To

1 The Commissioner of College Education Nampally, Hyderabad.
2 The Secretary and Correspondent C.S.R. Sarma College, Ongole, Prakasam Dist.
3 Dr. J. S.P. Sarma C.S.R. Sarma College, Ongole, Prakasam Dist.
4 Dr. V.L.K. Rao C.S.R. Sarma College, Ongole, Prakasam Dist.
5 M. Venkateswara Rao C.S.R. Sarma College, Ongole, Prakasam Dist.

6 2 CCs to the G.P. for Education, High Court of A.P., Hyderabad (OUT)

7 2 CD copies.